

REMARKS

In the Office Action¹, the Examiner rejected claims 1, 3-14, 16-26, and 28-37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,802,467 to Salazar et al. ("*Salazar*") in view of U.S. Patent No. 6,061,435 to Grundvig et al. ("*Grundvig*") and further in view of U.S. Patent No. 6,243,022 to Furukawa ("*Furukawa*"). The Examiner further rejected claims 2, 15, and 27 under 35 U.S.C. § 103(a) as being unpatentable over *Salazar* in view of *Grundvig* and *Furukawa* as applied to claim 1, and further in view of U.S. Patent No. 6,470,189 to Hill et al. ("*Hill*").

By this Amendment, Applicants amend claims 1-8, 11-21, 24-33, 36, and 37 to more particularly define the scope of the invention. Claims 1-37 remain pending and under current examination.

Applicants respectfully traverse the rejection of claims 1, 3-14, 16-26, and 28-37 under 35 U.S.C. § 103(a).

Initially, *Furukawa* is not analogous art, and therefore cannot be used to establish a *prima facie* case of obviousness. A prior art reference is analogous art if it "logically would have commended itself to an inventor's attention in considering his problem" (MPEP 2141.01). Claim 1 relates to using a telephone set to control household appliances; *Furukawa* relates to a device for controlling vehicle windows. A person of ordinary skill in the art seeking to develop an automated technology for use with household appliances would not have been "logically commended" to search prior art

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

related to automobiles. Therefore *Furukawa* is not analogous art, and no *prima facie* case of obviousness has been established with respect to claim 1.

Moreover, the prior art references fail to teach or suggest each and every element of claim 1. Claim 1, for example, recites a combination including, among other things, a telephone set with a control means for remotely controlling at least one of plurality of home appliances which "are remote-controllable by a single radio communication control protocol" None of *Salazar*, *Grundvig*, or *Furukawa* teaches or suggests at least this subject matter of claim 1.

The Examiner asserts that *Salazar* discloses "a handset device" and "a base station" that "execute a connecting process for enabling transmission and reception of an information signal to and from a home appliance remote-controllable by radio communication" (Office Action at p. 2). Even assuming this is true, *Salazar* does not disclose control of appliances by a single control protocol. Instead, the device in *Salazar* must store a large library of "command code sets" so that it can properly control "substantially all major brands of various devices" (*Salazar*, col. 7-8). The telephone set in claim 1 avoids having to store such a large number of control sets by using a single control protocol in conjunction with a plurality of appliances which support the control protocol. Therefore, *Salazar* fails to teach or suggest at least this element of claim 1.

Grundvig and *Furukawa* fail to cure the deficiencies of *Salazar*. *Grundvig* discloses a telephone set that can remotely control a television, but does not disclose the details of the protocols used for the remote control. *Furukawa* discloses a remote control device for automobile windows that uses a single protocol to control a single device (*Furukawa* at col. 7-8, figs. 5a, 5b, 5c).

Although of different scope, independent claims 13, 14, and 26 recite features similar to those of claim 1. Claims 3-12 depend from claim 1, claims 16-25 depend from claim 14, and claims 28-37 depend from claim 26. As already discussed, none of the cited references teaches or suggests controlling a plurality home appliances using a single control protocol.

Because the cited references fail to teach or suggest each and every element of the claims, no *prima facie* case of obviousness has been established with respect to these claims. Applicants therefore request the Examiner to withdraw the rejection of claims 1, 3-14, 16-26, and 28-37 under 35 U.S.C. § 103(a).

Applicants respectfully traverse the rejection of claims 2, 15, and 27 under 35 U.S.C. § 103(a).

Claim 2 depends from claim 1, and therefore includes all of the elements recited therein. As discussed above, none of *Salazar*, *Grundvig*, or *Furukawa* discloses controlling a plurality of home appliances using a single control protocol. *Hill* fails to cure this deficiency.

Hill discloses using "Bluetooth" as a communication protocol in order to reduce server workloads. However, the device in *Hill* does not use Bluetooth or another single control protocol to control multiple devices. Therefore, *Hill* fails to teach or suggest using a single control protocol as recited by claim 1.

Claim 2 also recites using "Bluetooth communication" as the single control protocol. As discussed above, *Hill* discloses using the Bluetooth communication protocol. However, Bluetooth also includes a command protocol for use with audio/visual devices. *Hill* does not disclose using the Bluetooth command protocol over

the Bluetooth communication protocol. Therefore, Hill fails to teach or suggest using "Bluetooth communication" as the "control protocol" as recited by claim 2.

Although of different scope, claims 15 and 27 recite features similar to those of claim 2. As already discussed, none of the cited references teaches or suggests using Bluetooth communication as a single control protocol to control a plurality of household appliances.

Because the cited references fail to teach or suggest each and every element of the claims, no *prima facie* case of obviousness has been established with respect to these claims. Applicants therefore request the Examiner to withdraw the rejection of claims 2, 15, and 27 under 35 U.S.C. § 103(a).

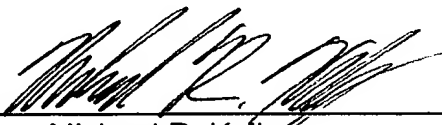
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 18, 2006

By: 
Michael R. Kelly
Reg. No. 33,921